

1906-054 Chancery Causes: Mary J Horton vs. William Horton  
Lee Co.

Carrol, Garrison, Gilley

CA-Divorce  
T-Vices



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County;

Humbly complaining, your orator, Mary J. Horton, respectfully represents unto your honor that she and one William Horton was duly married to each other on or about the \_\_\_\_\_ day of 1905; that after their marriage they lived together and cohabited together as man and wife until some time in the Fall of 1905; that she is now and has been for more than a year previous to this date a resident and citizen of this county; that the said William Horton is now and has been for several years a resident of this county and State; that after the marriage of your complainant and the said William Horton, he, the said William Horton without the knowledge, consent, procurment or connivance of your oratrix became untrue to her, by having carnal intercourse with one Barb Carrol, a lewd woman, some time in June, 1905; that his said adulterous acts were committed in this county on the bank of the North Fork of Powell's river, something like a mile from Pennington Gap .

Your oratrix did not hear of the <sup>said</sup> adulterous acts of the said William until some time in the latter part of the Summer or early Fall of the year, 1905; that when she did hear of it, she accosted him on the matter, and he first denied it bitterly, but after having <sup>confronted him</sup> the witness who saw him in the act, he admitted it, and thereupon your oratrix refused to live with him further, and has not lived with, nor cohabited with him since she found out his infidelity.

Your orator is also advised and charges that the said William Horton, since his marriage with your oratrix has been guilty of adultery with the said Carrol woman at other times and places than that above mentioned, but she is not now sufficiently advised as to the exact time and place.

The premises considered, your oratrix is advised that she is remediless save in a court of equity; that she is entitled to have your honor grant her an absolute divorce from the bonds of matrimony now existing between her and the said Willaim Horton; and her prayer therefore is that your honor take cognizance of this her



cause of complaint; that on the coming in of the proof in this cause she be granted a divorce a vinculo matrimonii; and that she be restored to her maiden name which was Mary J. Turner; that all other further and general relief be awarded her that the nature of her cause may require. And she will ever pray, etc.

Pennings Bros. P.Q.



Mary J. Horton

vs. } Bell

William Horton

1906. 1<sup>st</sup> Aug. Rules.

Bill filed and  
Spa executed.

" 2<sup>nd</sup> Aug. Rules.

Cause set for  
hearing.



Mary J. Horton, Complainant,

Vs.

In Chancery.

William Horton, Defendant.

This cause came on this day to be heard upon the bill of the Complainant, the deposition of the witnesses duly taken and filed in the cause on August the 16th, 1906, and was argued by counsel.

On consideration of all which, and it appearing to the court that process has been duly served upon the defendant for more than fifteen days before this term of the court, and that said Defendant without the procurement or the connivance of the said Complainant and within the last year has been guilty of adultery, and that said Complainant for more than a year next preceeding the institution of this suit has been a resident of this county, and that she has not condoned the said adulterous acts of said defendant it is therefore adjudged, ordered, and decreed that the bonds of matrimony now existing between the said complainant and defendant be and at the same time are hereby forever dissolved and annulled, and the said parties divorced each from the other.

And it is further adjudged, ordered and decreed that the said complainant be and is hereby restored to her maiden name, and shall hereafter be known as <sup>M</sup>Mary Jane Turner instead of Mary Jane Horton.

And it is further adjudged, ordered and decreed, that the said Complainant recover from the said defendant her costs in this suit, and may have execution for the same. And this cause is stricken from the docket.



Mary J. Horton,

Vs. Decree.

William Horton.

*Entered in C.O.B.#  
8, Page 209 re.*

Enter this,

Sept., 18, 1906.

*H. A. W. Sikes*



MARY J. HORTON. Plaintiff.

Vs.

Depositions.

William Horton, Defendant.

The depositions of E.R.Garison, taken before me W.K.Hopkins, a Commissioner of Chancery for the Circuit Court for Lee County, Virginia, pursuant to notice hereto attached, at the law office of E. W. Pennington, in the town of Pennington Gap, Va., on the 15th day of August, 1906, between the hours of 8 A.M. and 4 P.M. of that day, to be read as evidence in behalf of Mary J. Horton in a certain suit in equity now pending in the Circuit Court for Lee the county of Lee, wherein the said Mary J. Horton is plaintiff and William Horton is defendant.

PRESENT: E.W.Pennington attorney for the plaintiff;

E. R. Garrison, after being duly sworn deposes as follows:

Ques. 1. Give your name, age, residence and occupation?

Ans. My name is E.R.Garrison; age 32; reside at Pennington Gap, Va. and am a farmer.

Ques. 2. Do you know Mary J. Horton and William Horton; if so, please, tell how long you have known them.

Ans. I do know said parties; I have known them ever since I can remember.

Ques. 3. State whether you know that said said William Horton has been guilty of adultery? If so, tell when it was, and where.

Ans. Along about June, 1905, I saw said William Horton and Barb Carroll, a woman, lying on the ground, with his arm ~~xxxx~~ around her neck and his leg on top of her; they were at this time lying on the bank of the North Fork of Powell's river, about 3/4 miles from Pennington Gap. I could see her legs a little above her knees. When I come up on them, Horton began to curse and telling me to go on and not disturb them.

Ques. Was said Horton at the that time married to said plaintiff?



Ans. Yes. I think they married at the time. I think they married in April or May before the time spoken of by me.

Ques. 5. Did you ever see said Willaim Horton with said Carroll woman at any other time, if so tell when and where and under what circumstances.

Ans. I don't think I did ever see them together except the time spoken of, by me, before they were married. Before they were married I saw them together in Burks sugar orchard west of the Pennington Gap depot; they were then in bushes with his arm around her. After they came back from the bushes I saw him hug the Carroll woman.

Ques. 6. Did said plaintiff have any thing to do with the acts of said Willaim Horton, in so far as you know, by way of consenting or conniving with the same?

Ans. No.

Ques. Where does the plaintiff in this suit live, and how long has she so lived?

Ans. She lives now within a mile of Pennington Gap depot in Lee County, and has so lived for more than twenty years before the bringing of this suit.

Ques. Have said William Horton and said Mary J. Horton lived together lately? Tell how long ago they have lived together as man and wife.

Ans. It has been a year or more since they lived together as man and wife.

And further this deponent saith not.

E. R. Harris

C. B. Gilley another witness after being duly sworn deposes as follows:

Ques. 1. Give your name, age, residence and occupation.

Ans. My name is C. B. Gilley; I am 29 years old. I reside in about 2 miles from Pennington Gap. I am a farmer.



Ques.2. Do you know William Horton and Mary J.Horton,his wife?  
If so,how long have you known them?

Ans. I know them. I have not known Willaim Horton not more them three years,and Mary J.Horton,I have known for 20 years or more.

Ques.3. Did you ever see said William Horton in any suspicious circumstances with respect to his chastity,if so tell when and wher it was.

Ans. Some time last Fall or early winter,at a spring,about 200 to 300 yards from HenEly's spring,I saw said Willaim Horton and Barb Carrol,a woman, hugging up together. I did not see them kissing,but saw them with their arms around each other.

Ques. 4. What is the general reputation for virtue and chastity of said Barb Carroll.

Ans. It is very bad.

Ques. What did Mary J.Horton have to do if any thing with the acts of said William Horton and Barb Carroll?

Ans. Nothing that I know about;nor do I have any reason to believe or thibk that Mary J.Horton had any thing to do with the Acts of said parties.

Ques. 6. How long has it been since said Willaim and Mary J. Horton has lived together as man and wife?

Ans. They have not lived together since Oct.,1905.

And further this deponent saith not.

B. B. Gilley



Virginia,

Lee County, -to-wit:

I, W.K. Hopkins, a Commissioner in chancery for the Circuit court for Lee county, Virginia, do hereby certify that that the aforesaid depositions of of E.R. Garison, and C.B. Gilley were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand, this the 15th day of August, 1906.

W.K. Hopkins

Comrs In Chancery.



Mary J. Horton  
vs. Depositors

William Horton

Filed Aug. 16, 1906-

H. C. Ewing, clerk.

Costs:

Clerk	\$ 5.04
Shff	1.00
	.75-
Comr.	\$15.00
Atty	

Commissaries fee .75.

1900 to 10



To William Horton:

Take notice that on the 15th day of August, 1906, at the law office of E.W. Pennington in the town of Pennington Gap, Lee County, Virginia, and between the hours of 8. A.M. & 5 P.M. of that day, I will proceed to take the depositions of E. R. Garison and others, to be read as evidence  
^ in a ~~x~~ certain suit in equity now pending in the circuit court for Lee County, wherein I am plaintiff and you are defendant; and if from any cause, the taking of the said depositions be not commenced, or if commenced be not concluded on that day, the taking thereof will be adjourned from day to day and from time to time and from place to place, between the same hours until the same is completed.

Yours very truly,

Mary J. Horton.

Pennington Bros. P.Q.



Mary J. Horton.

Vs. Notice to Take Dep.

Willaim Horton.

Executed by deliver-  
ing a true copy  
of the within notice  
to Wm Horton on  
this Aug. 6, 1906,

C. E. Denny D.S. for  
P.M. Ball, S.L.C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*William Horton*

SUBPENA

IN

CHANCERY

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *August*, 190*6*, to answer a bill in chancery exhibited against *him*

*by Mary J. Horton.*

P. 9

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *6th* day of *July*, 190*6*, and 1*31*<sup>st</sup> year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

\_\_\_\_\_, Clerk.



Mary J. Horton

VS

SUBPOENA  
IN  
CHANCERY.

William Horton

Per Bros. p. q

To 1st August Rules.  
Lee Circuit Court.  
1906.

Executed by delivering a true copy of  
The within to Wm Horton on this  
day. J. Lee August 6th 1906 -  
W. E. Dunning D.S. for  
J. M. Ball, S. Sec.